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MS PETITION
PATENT
0698-0189PUS1



IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: LIAO, Wen-Shyong Conf.: 2913
Appl. No.: 09/812,326 Group: 2834
Filed: March 20, 2001 Examiner: DANG D. LE
For: SUPPORTING DEVICE OF ROTOR

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 30, 2005

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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750.00 OP

1. Petition fee

- ☒ Small entity - fee \$750.00 (37 C.F.R. § 1.17(m)).
Applicant claims small entity status. See 37 C.F.R.
§ 1.27.
- ☐ Other than small entity - fee \$1,500.00 (37 C.F.R.
§ 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action
in the form of an RCE and Reply under 37 CFR 1.111
(identify type of reply):
- ☐ has been filed previously on .
- ☒ is enclosed herewith.
- B. The issue fee of \$0.00
- ☐ has been paid previously on .
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or
after June 8, 1995, no terminal disclaimer is
required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R.
§ 1.20(d)) of \$65.00 for a small entity or \$130.00 for
other than a small entity) disclaiming the required
period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply
from the due date for the required reply until the filing
of a grantable petition under 37 C.F.R. § 1.137(b) was
unintentional.

- ☒ An Affidavit setting forth the facts in support of this Petition is attached hereto.
- ☐ No fee is required.
- ☒ A check in the amount of \$1,145.00 (including the \$750.00 petition fee and the \$395.00 RCE fee) is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  ²⁸³⁸⁰
Joe McKinney Muncy, #32,834

KM/asc

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

- Attachments:
- ☒ Fee Payment
 - ☒ RCE & Reply
 - ☐ Terminal Disclaimer Form
 - ☒ Additional sheets containing statements establishing unintentional delay (Affidavit)
 - ☒ Other: Letter submitting Revocation of Power of Attorney, Substitute Power of Attorney, and Change in Correspondence Address

AFFIDAVIT

I, Paul C.C.Chen, am the Patent Attorney of Louis International Patent Office, having a business address of 6F, No. 80, Bo-Ai Road, Taipei 100, Taiwan, R.O.C. Our firm represents Wen-Shyong Liao, inventor of U.S. Application No. 09/812,326, entitled "Supporting Device of Rotor," which has a filing date of March 20, 2001.

We entrusted responsibility for the aforementioned U.S. patent application to Mr. Ezra Sutton of Ezra Sutton, P.A., having a business address of Plaza 9, 900 Route 9, Suite 201, Woodbridge, NJ 07095. Mr. Sutton informed us on August 14, 2002 that an Amendment was filed in response to the February 5, 2002 Office Action. Since that time, we have not received any reports or materials from Ezra Sutton, P.A.

On December 13, 2004, we checked the status of this application in the U.S. Patent and Trademark Office's public Patent Application Information Retrieval (PAIR) system, and discovered that the application had become abandoned for failure to respond to a Final Office Action mailed on September 11, 2002. We did not receive either the Final Office Action or the Notice of Abandonment from Ezra Sutton, P.A.

We therefore repeatedly attempted to contact Ezra Sutton, P.A. regarding the abandonment status of the application, but did not receive any response.


In view of the lack of response received from Ezra Sutton, P.A., we transferred responsibility for this application to Birch, Stewart, Kolasch & Birch, LLP on February 3, 2005. An appropriate Revocation of Power of Attorney, Substitute Power of Attorney, and Change in Correspondence Address was signed by Wen-Shyong Liao to be submitted to the U.S. Patent and Trademark Office.

Because Ezra Sutton, P.A. did not provide our office with a copy of the Final Office Action or provide us with any indication that such a Final Office Action had been issued, our accessing of PAIR on December 13, 2004 letter was, in fact, the first indication we had received that a Final Office Action had been issued. We were therefore also unaware that the application had been abandoned.

Accordingly, I believe the abandonment of the present application was unintentional, as we were unaware that the Final Office Action had been mailed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 22, 2005
Date



Signature

Paul C.C.Chen

Typed or Printed Name

Patent Attorney

Title